

1 RODGER R. COLE (CSB NO. 178865)
rcole@fenwick.com
2 FENWICK & WEST LLP
Silicon Valley Center
3 801 California Street
Mountain View, CA 94041
4 Telephone: (650) 988-8500
Facsimile: (650) 938-5200
5

6 RACHAEL G. SAMBERG (CSB NO. 223694)
rsamberg@fenwick.com
7 MARY E. MILIONIS (CSB NO. 238827)
mmilionis@fenwick.com
FENWICK & WEST LLP
8 555 California Street, 12th Floor
San Francisco, CA 94104
9 Telephone: (415) 875-2300
Facsimile: (415) 281-1350
10

11 Attorneys for Defendant
GLIMMERGLASS NETWORKS, INC.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 TERILOGY CO., LTD.,

16 Plaintiff,

17 v.

18 GLIMMERGLASS NETWORKS, INC.,

19 Defendant.
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Case No. 3:08-cv-03364 EMC

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS
PURSUANT TO RULE 12(B)(6) AND
ACCOMPANYING REQUEST FOR
JUDICIAL NOTICE**

Date: October 15, 2008
Time: 10:30 A.M.
Dept: Courtroom C, 15th Floor
Judge: The Honorable Edward M. Chen

Complaint Filed: July 11, 2008
Trial Date: None Set

1 Defendant Glimmerglass Networks, Inc.'s ("Defendant") Motion to Dismiss Pursuant to
2 Rule 12(b)(6) and accompanying Request for Judicial Notice came on regularly for hearing
3 before this Court on October 15, 2008, at 10:30 A.M., in Courtroom C, 15th Floor. Both
4 Defendant and plaintiff Terilogy Co., Ltd. ("Plaintiff") were represented by counsel. After full
5 consideration of the briefs in support and in opposition thereto, all other papers submitted in
6 connection therewith, all other matters on file in this action and presented to the Court, and
7 having heard the arguments of counsel,

8 IT IS HEREBY ORDERED that:

- 9 1. The Court will take judicial notice of "Exhibit B: Territory," attached to the Parties'
10 Distribution Agreement entered into on or about February 9, 2006 (and filed as Exhibit A
11 to Defendant's Request for Judicial Notice); and
12 2. Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) is **GRANTED**, and the First,
13 Second, Fourth and Fifth Causes of Action of Plaintiff's Complaint are **DISMISSED**.

14 IT IS SO ORDERED.
15

16 Dated: _____, 2008

17 _____
18 Hon. Edward M. Chen
United States Magistrate Judge

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